

# ETHICS TRAINING 7A JMTC 2011



# Agenda

- **14 Principles of Ethical Conduct**
  - Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain
- **Hot Topics**
  - Fiscal Law
  - Gifts
  - Transportation and Travel
  - Use of Government Resources
  - Statutory Volunteers
  - Interaction with Contractors
- **Vignettes From *The Encyclopedia of Ethical Failures***

# 14 Principles of Ethical Conduct - EO 12674

1. Place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Do not hold financial interests that conflict with the conscientious performance of duty.
3. Do not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. Do not solicit or accept any gift from any person or entity seeking official action from, doing business with DoD, or whose interests may be substantially affected by the performance or nonperformance of your duties.
5. Put forth honest effort in the performance of your duties.
6. Do not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Do not use public office for private gain.

# 14 Principles of Ethical Conduct - EO 12674

8. Act impartially and not give preferential treatment to any private organization or individual.
9. Protect and conserve Federal property and shall not use it for other than authorized activities.
10. Do not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Disclose waste, fraud, abuse, and corruption to appropriate authorities. The best starting place is the Inspector General (24-hour hotline 800-424-9098 or [hotline@dodig.mil](mailto:hotline@dodig.mil)).
12. Satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.
13. Follow all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. **Avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.**



UNCLASSIFIED



# Chief of Staff of the Army - 23 Apr 2011

**I also want to share a concern with you. We currently have several open investigations of General Officers for "misuse of government resources."**

**I won't go into specifics, but in general the allegations are related to improper blending of personal and business travel, asking subordinates to perform personal services, and providing inappropriate services to spouses.**

**Regardless of whether the allegations are substantiated or not, the number of allegations indicates that there is a perception both within and outside our ranks that we are less diligent than we need to be in this area. This perception matters to me as I'm sure it matters to you. We value our reputation.**

**In an era of declining resources, we should expect greater scrutiny of how we use our resources. Therefore, I want you to review how you receive advice on these matters and ensure you have advisors who will protect your reputation and ours.**

# Applying Fiscal Law to Ethics

**"The established rule is that the expenditure of public funds is proper only when authorized by Congress, NOT that public funds may be expended unless prohibited by Congress."**

**United States v. MacCollom, 426 U.S. 317 (1976)**

# Gifts

- **Gifts from subordinates**
  - May accept if \$10 or less and given on an “occasional basis”
  - May accept if \$300 or less and given on a special infrequent occasion or upon termination of a superior/subordinate relationship
- **Gifts from prohibited sources (ie “contractors”) or based on official position**
  - May accept if value is \$20 or less (not to exceed \$50 per calendar year per source)
  - Only take “coffee and donuts” from contractors- anything worth more than that, leave it!

## Gifts to Departing Leaders from Subordinates

**BLUF:** A superior may accept gifts from subordinates on special infrequent occasions including the termination of the official superior-subordinate relationship such as transfer, resignation, or retirement.

### KEY ISSUES:

- Use sound judgment when selecting gifts. Plaques, photographs, and other sentimental mementos are usually the most appreciated gifts.
- No gift may exceed \$300.00 in fair market value.
- Gifts should come only from “donating groups.” Each donating group’s gift is limited to \$300.00. *If even one employee contributes to more than one donating group, those groups aggregate and are subject to a single \$300.00 limitation.*
- Gifts to the departing Soldier’s spouse (or other related persons) are considered gifts to the departing Soldier for purposes of the \$300.00 limitation. (5 C.F.R. § 2635.303)
- Employees and Soldiers may be solicited for a voluntary \$10.00 contribution toward a gift. Individuals may donate more than \$10.00; they cannot be asked for more than \$10.00. To avoid the appearance of undue influence, no roster or list of contributors should be kept.



# Transportation and Travel

- **Use of NTVs**
  - **Only for official purposes- no exceptions**
    - Cannot use for private social functions, personnel errands, etc.
  - **Transportation cannot begin or end at quarters**
  - **Use the most economical vehicle that will accomplish mission requirements**
  - **Spouse may travel with sponsor if: (1) NTV was already authorized for official purpose; (2) there is space available; and, (3) presence of spouse will not require larger vehicle than already authorized**
- **Accompanying spouse travel at government expense**
  - **Permitted only when: (1) spouse participates in an official capacity at unquestionably official function; (2) there is a diplomatic benefit to the U.S.; (3) in capacity as statutory volunteer or, (4) there is a public relations benefit to the U.S.**

# Air Travel

- ***The Army Travels Coach***
  - **Army policy: Service Members may not travel in any premium class (first class or business class) while in uniform, even if they pay for the upgrade with personal frequent flyer miles.**
  - **Army policy: Only the Secretary of the Army can approve first-class travel.**
  - **Limited business class exceptions for intercontinental flights where immediate work is required following landing.**
  - **Business Class (NOT FIRST CLASS) authorized when obtained as an accommodation upgrade through the redemption of frequent traveler benefits. (see JFTR/JTR and Service specific policy).**
  - **The Traveler Keeps Frequent Flyer Miles**

# Use of Government Resources

- **Government resources may be used only for “official purposes”**
- **Cell Phones**
  - May not be used in lieu of established wired telephones
  - May only be used for official business and “authorized use”
    - Notification to family members of transportation or schedule changes
    - Personal communications most reasonably made at workplace (i.e. checking-in with spouse or minor children, scheduling doctor appointments)
- **Government Computers / Email**
  - Used only for official business
  - Cannot use for personal financial gain, political activity, promoting particular religious faith, or in a way that adversely reflects on the DoD or Army

# Statutory Volunteers

- Army may accept voluntary services from military members, civilian employees and their family members
- Individuals may volunteer in a variety of areas such as family support programs, MWR programs, and child development and youth services programs
- Once registered as a statutory volunteer, an individual is eligible for various support, including:
  - Reimbursement for travel and training expenses
  - Use of Government vehicles
  - Use of Government facilities and equipment

# Interaction with Contractors

- **Must avoid any appearance of favoritism**
- **Gifts from contractors**
  - Treated as gifts from “prohibited sources” OK is < \$20 worth of “coffee and donuts” (\$50/year cap).
- **Awards to contractor personnel**
  - May not give contractor personnel coins, or other awards, unless purchased with private funds
  - Can recognize contractor personnel with honorary awards of little intrinsic value, such as a certificate
- **Government provided training**
  - A government employee may not require a contractor to attend government-provided training unless required under the contract or agreed upon by both the contract supervisor and the government

## Excerpt from Encyclopedia of Ethical Failures – DoD IG

### ■ “The Sin of NFE Endorsement”

Seven senior military officers, including four Generals, were found to have misused their positions, improperly implying DoD endorsement of a Non-Federal Entity while appearing in a promotional video for “The Christian Embassy.” A Pentagon Chaplain arranged for Christian Embassy employees to obtain Pentagon building passes for filming. The video showed interviews conducted at recognizable Pentagon locations, featuring the senior officers in uniform and displaying their ranks as they discussed their Christian faith.

### ■ “That’s Quite Gift”

A Lieutenant Colonel committed dereliction of duty when, in violation of the JER, he received a bottle of Ballantines 30 year-old Scotch valued at \$400 and failed to report it and properly dispose of it. In lieu of a court martial, the colonel resigned from the military service for the good of the service under other than honorable conditions.

## Excerpt from Encyclopedia of Ethical Failures – DoD IG

### ■ “And the Caissons Go Rolling Along...”

A military officer used two government owned vehicles to move her belongings from one residence to another. The use of the vehicles, totaling over 250 miles, earned her a memorandum of reprimand from her commander for misuse of government vehicles. Another officer was issued a memorandum of counseling for improperly authorizing the use of the vehicles.

In a similar case, a military service Colonel authorized a subordinate to use a military vehicle to pick him up at his residence and take him to work. He was counseled for improperly using Government resources, including personnel and equipment, for a non-official purpose, in violation of JER 2-301, Use of Federal Government Resources.

## Excerpt from Encyclopedia of Ethical Failures – DoD IG

### ■ “Conventional Wisdom”

Two senior officials were counseled after sending an email to a large number of sergeants major in the command asking them to “focus on” the upcoming convention of the Army National Guard Enlisted Association, noting that they “expect[ed]” attendance at certain sessions, and expressing their desire for “a good turnout.” The email was in violation of DoD Directive 5500.7R, which prohibits official endorsement of non-Federal organizations.



# Principle #14

- "Avoid any actions creating the **appearance** that they are violating the law or the ethical standards set forth in this part."
- Not every issue will have a bright-line rule a/o answer...keep this in mind